



KAUFMAN DOLOWICH VOLUCK
ATTORNEYS AT LAW

Aaron N. Solomon
asolomon@kdvlaw.com

Kaufman Dolowich & Voluck, LLP
135 Crossways Park Drive, Suite 201
Woodbury, New York 11797
Telephone: 516.681.1100
Facsimile: 516.681.1101
www.kdvlaw.com

August 4, 2015

VIA ECF and ELECTRONIC MAIL (ALCarterNYSDChambers@nysd.uscourts.gov)

The Honorable Andrew L. Carter, U.S.D.J.
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., Courtroom 17C
New York, New York 10007-1312

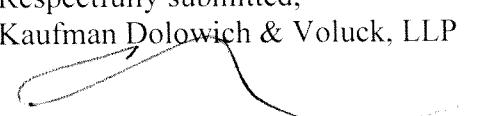
Re: *Hernandez, et al. v. The Fresh Diet, Inc., et al.*
15 Civ. 1338 (ALC)

Dear Judge Carter:

We represent Defendants Late Night Express Inc., Sayed Hussain, and Judith Schliss (the “Late Night Defendants”) in the above-referenced action. We write in connection with the pre-motion letters filed by counsel for Fresh Diet.

Currently, Plaintiffs have not served their complaint on the Late Night Defendants. As a result, the time for the Late Night Defendants to move, answer, or otherwise respond to the complaint has not begun to run. Accordingly, the Late Night Defendants respectfully reserve the right to respond to the complaint, including requesting permission to seek dismissal pursuant to Fed. R. Civ. P. 12, at the appropriate time.

The Court’s continued courtesies are appreciated.

Respectfully submitted,
 Kaufman Dolowich & Voluck, LLP

 Aaron N. Solomon

cc: Walker Harman, Esq. (via email and ECF)
 Howard Rhine, Esq. (via email and ECF)

4846-3776-8226. v. 1